

MOTION BY SUPERVISORS SHEILA KUEHL AND
MARK RIDLEY-THOMAS

February 5, 2019

Expanding Countywide Diversion for Justice Involved Adults

In August 2015, the Board of Supervisors created the Office of Diversion and Reentry (ODR) to support individuals in the criminal justice system whose charges are strongly tied to their serious and persistent mental health and/or substance use disorders. In recognition of the need to create diversion opportunities, the California State Legislature passed Assembly Bill (AB) 1810 and Senate Bill (SB) 215 (2018) which amended Penal Code (PC) Sections 1001.35-1001.36 to create a way for courts to authorize pre-trial diversion for individuals with serious mental disorders who are charged with certain felony or misdemeanor crimes. Additionally, AB 1810 established Welfare and Institutions Code (WIC) 4361, which allows a funding opportunity for the Department of State Hospitals (DSH) to contract with counties to support a specific target population of individuals with serious mental illnesses who have the potential to be or are deemed Incompetent to Stand Trial (IST) on felony charges. The program outlined in WIC 4361 is known as the DSH Diversion funding program, and one-time funds of \$100 million have been made available to support this effort over a three-year

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period. The County of Los Angeles (County) was invited to submit a Letter of Intent to Apply for up to \$25,864,100 with a required 20% County funded match of \$5,172,820 for a total program budget of \$31,036,920.

On October 30, 2018, Supervisors Kuehl and Ridley-Thomas introduced a motion directing the Department of Health Service's ODR, as the County's lead entity, to submit a Letter of Intent to Apply for Funding to the DSH and to collaborate with County partners to plan and implement the DSH Diversion program in the County. The motion also directed ODR to work with the Chief Executive Officer to identify sources for the 20% required County match and to examine opportunities to leverage the available state funding with other sources of funding such as Medicaid or housing-related funding and subsidies.

ODR has worked with County Health and Justice partners to design a program model including the Department of Mental Health, the Department of Public Health Substance Abuse Prevention and Control, Public Defender, Alternate Public Defender, District Attorney, Superior Courts, Probation and Sheriff's Departments. The program will be modeled after existing, successful ODR court-based programs and will start in the Superior Court's central district. Clients will be referred by judges, lawyers and jail clinical staff as well as ODR staff. ODR will provide supportive housing, intensive case management, and appropriate clinical services. The Probation Department will provide pre-trial services. All candidates would be persons who have serious mental disorders and who are at risk of being referred to DSH as IST and the majority of the participants will be homeless. The County proposes to serve 200 persons during the three-year grant term, which is slightly higher than the 181 required by the grant.

WE, THEREFORE, MOVE that the Board of Supervisors:

1. Delegate authority to the Director of Health Services or her designee (Director) to accept an anticipated award from the California DSH in the amount of \$25,864,100 over a three-year period starting FY 18/19, and sign an agreement with DSH and all other agreements and documents with DSH in order to implement the DSH Diversion program upon approval of any agreements by County Counsel.
2. Delegate authority to the Director to execute any future amendments to the aforementioned agreement(s) and related documents with DSH necessary to sustain the DSH Diversion program throughout the term, on condition that the amendments and related documents do not materially alter the County's legal obligations under the base agreement with DSH, subject to review and approval by County Counsel.
3. Delegate authority to the Director to:
 - i. execute agreements with qualified contractors selected through a competitive selection process for the provision of ancillary services to support the DSH diversion program, including but not limited to, consultant services (e.g., program design, clinical services), evaluation services, technical assistance services and training services for staff and/or contracted service providers' staff; and

- ii. amend any existing Information Technology (IT) agreements to revise terms and conditions, statements of work, program deliverables, and/or services, and allow for changes in payment structures and increase contract sums to facilitate the deployment of IT platforms in support of ODR's programs for the DSH Diversion program and to advance the objectives of the program; provided such agreements and amendments do not exceed current and future budget appropriations for DSH Diversion, subject to prior review and approval by County Counsel.
4. Delegate authority to the Director to execute new and/or amend existing agreements with community based residential facilities, including revisions to statements of work, extension of agreement terms and/or increasing contract sums to provide additional 24-hour community care residential facilities to eligible DSH Diversion clients, provided such actions do not exceed funding approved by the Board of Supervisors for DSH Diversion, subject to the prior review and approved as to form by County Counsel.